

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MANHATTAN REVIEW LLC, et ano.,

Plaintiffs,

-against-

16-cv-0102 (LAK)

TRACY YUN, et al.,

Defendants.
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ORDER

Each of the three defendants has moved to dismiss the amended complaint. In a report and recommendation dated August 15, 2016, Magistrate Judge James C. Francis IV recommended that the motions be granted in part and denied in part. Each of the defendants has objected to so much of the report as recommended that the motions be denied.

The Court, which too declines to consider any matters outside the amended complaint save for those of which Judge Francis took judicial notice, has considered the objections but perceives no error of fact or law. Accordingly, it adopts the report and recommendation. More specifically, the motions of defendants Yun and Manhattan Enterprise Group [DI 37, DI 40] are granted to the extent that claims 7 and 8 are dismissed and is denied in all other respects. The motion of defendant Kelly [DI 43] is granted to the extent that claims 6 through 8 and 11 are dismissed and is denied in all other respects. Plaintiffs, on or before November 14, 2016, may file a second amended complaint amplifying those allegations in claims 6 through 8, and only those allegations, that Magistrate Judge Francis found insufficient in those claims.

SO ORDERED.

Dated: October 26, 2016

/s/ Lewis A. Kaplan

Lewis A. Kaplan
United States District Judge

